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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,528	07/29/2003	JEN-SHOU TSENG	9499-US-PA	1527

31561 7590 12/23/2004

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE  
7 FLOOR-1, NO. 100  
ROOSEVELT ROAD, SECTION 2  
TAIPEI, 100  
TAIWAN

EXAMINER

FISHMAN, MARINA

ART UNIT PAPER NUMBER

2832

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/604,528

Applicant(s)

TSENG, JEN-SHOU

Examiner

Marina Fishman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***General status***

1. This is a First Action on the Merits. Claims 1 - 16 are pending in the case and are being examined.

### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Taiwan on 8/13/2002. It is noted, however, that applicant has not filed a certified copy of the priority application as required by 35 U.S.C. 119(b).

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "the button body and the contact rod are separately fabricated..." must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

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of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The disclosure is objected to because of the following informalities:

The specification paragraph 0021, line 9, the equation " $C' = C B$ " the operation symbol is missing, and in line 14, "section f" should be changed to --section of--;

the specification paragraph 0022, line 6 " $A' = A C$ " the operation symbol is missing;

the specification paragraph 0024, line 6, " $E D > A$ " the operation symbol is missing;

The Examiner has pointed out only few of the deficiencies, Applicant is required to review entire specification and make necessary corrections.

### ***Claim Objections***

5. Claim 1 is objected to because of the following informalities: in lines 4 and 5 "the butter" should be corrected as --The button--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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7. Claims 1 – 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the side edges of the button body" in lines 7 and 8 and the limitation "the contact point" in line 15. There are insufficient antecedent basis for these limitations in the claim.

Claim 1, in line 21, it is unclear what Applicant meant by "EB > D".

Claim 10, in last line, it is unclear what Applicant meant by "EB > D".

Claim 10 recites the limitation "the side edges of the button body" in lines 8 and 9 and the limitation "the contact point" in line 15. There are insufficient antecedent basis for these limitations in the claim.

Claim 16 recites the limitation "the bottom section of the button body" in lines 14 and 15. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1 – 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Gumb [US 5,172,805].

Gumb discloses a pushbutton for electronic device [Figure 2] comprising:

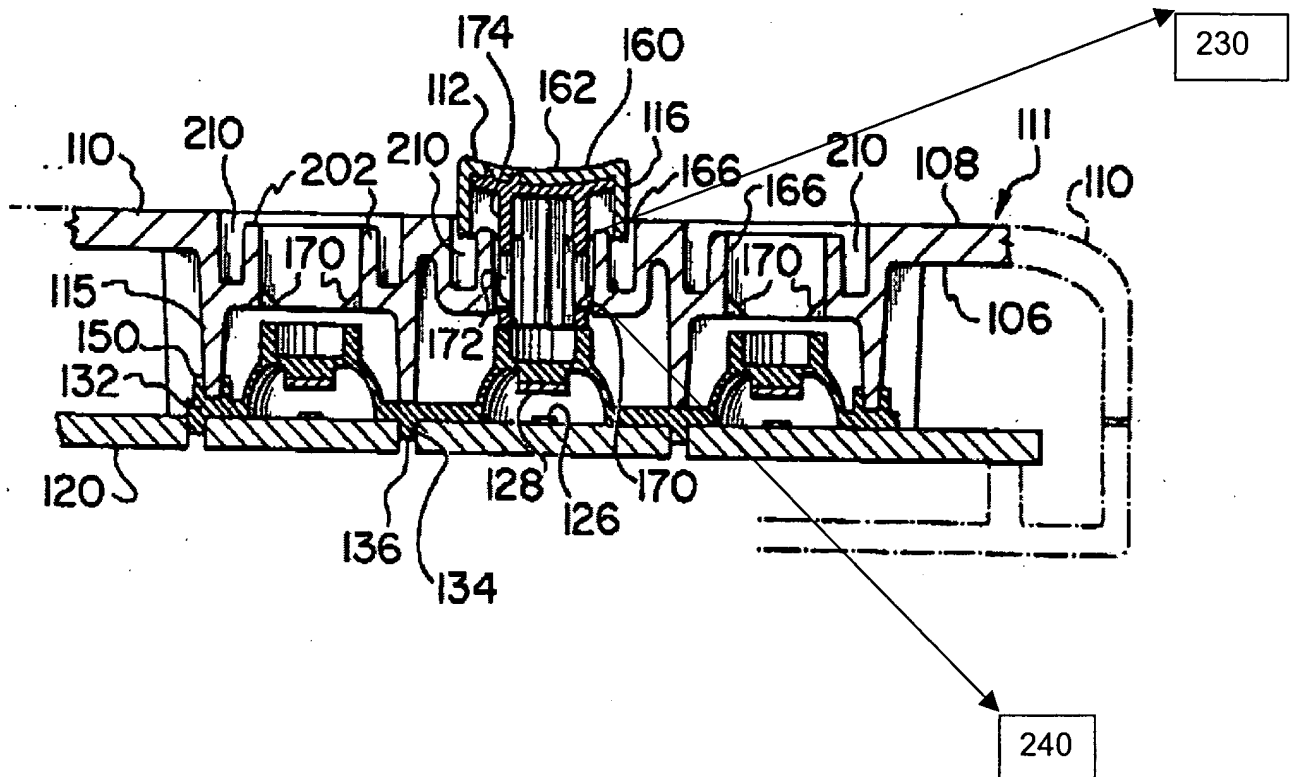
- a housing [110];
- a button cover [160];
- a circuit board [120];
- a button body [174], a wing plate [210], a positioning plate [part of 132; Figure 2]; a contact rod [215].

Gumb discloses all the limitations of claimed invention including the dimensional relationship satisfying the equations:

$$E - B > D; \quad E - D > A; \quad D > A; \quad A \geq C; \quad A \geq B \text{ and } C \geq B.$$

Where

- the dimension B is height from the bottom of the contact rod to the contact point on the circuit board [distance between point 128 and 126];
- the dimension C is height from the bottom of the button body to the outer surface of the housing [distance between point 128 and 126];
- the dimension A is height of the wing plate;
- the dimension D is height of the sidewall of button cover next to the button body (dimension between 230 and 240),
- the dimension E is height from the top of the button body [top of 112] to top end of the wing plate.



Regarding Claim 7, the positioning plate, the wing plate and contact rod assembled in a single unit (integrative unit). Regarding Claim 8, the contact rod and button body are separately made. Regarding Claim 9, the wing plate disclosed is elastic.

### **Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chen [US 5,389,755], Ootani et al. [US 5,821,482], Chen [US 6,184,481], and Kim [US 5,957,272] all disclose membrane switch. Applicant also should consider these references in response to this office action. Should issue arise concerning the rejection presented above, these references may be relied upon in a

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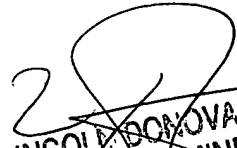
subsequent action to support the lack of novelty or obviousness of claimed subject matter to one of ordinary skill in the art.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is 571-272-1991. The examiner can normally be reached on 7-5 M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marina Fishman  
December 10, 2004

  
LINCOLN DONOVAN  
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